



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,112	04/19/2004	Paul Kadan	KADAN-2	1456
20151	7590	01/06/2005	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			FISHMAN, MARINA	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/827,112		KADAN ET AL.	
	Examiner		Art Unit	
	Marina Fishman		2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General status

1. This is a First Action on the Merits. Claims 15 - 32 are pending in the case and are being examined.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "17" has been used to designate both "cable lugs" and "clamping opening" and character "8" has been used to designate both "recess" and "indentation".

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "14" and "17" have both been used to designate "clamping support" and "cable lugs" or "clamping opening" [Figure 5].

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the clamping opening" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

5. The drawings are replete with numerous errors that make them difficult to read, it is unclear to which elements lines from numeral 12, 17, 20 [Figures 3 – 5] are pointing. New corrected drawings are required in this application.

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7. The specification is replete with numerous errors that makes difficult to understand the invention. Examples of some errors: the reference characters "17" has been used to designate "cable lugs" (specification: page12, [0057], line 9); "clamping opening" (specification: page12, [0057], line 11) and "the clamping region" (specification: page13, [0059], line 3) and the reference characters "8" has been used to designate both "recess" and "indentation" ([0053]- [0055]).
8. The reference to Claims should be removed from the specification ([0034] and [0036]).
9. The Examiner has pointed out only few of the deficiencies, the Applicant is required to review the entire specification and make necessary corrections.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28 recites the limitation "the platelet" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 16, 18 -23, 29, 30 and 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kawata et al. [US 6,255,608].

Kawata et al. disclose a switching device comprising:

- a housing [2, 3, 4];
- a terminal [15] disposed on the housing;
- flat-plate shielding elements [2b, Figure 1A] formed as one piece on the housing in a region proximate the terminal;
- a terminal opening [12, Figure 4], with the shielding element being formed about the terminal opening and the shielding being parallel to the terminal opening;
- an indentation is formed on a part of the housing (outer housing has indentation to form plate shaped

- wall in the proximity of the terminals) and the shielding walls [2b] have thinner and thicker portion forming an indentation in the area of thinner wall;
- the openings for the screws are formed between the sidewall and shield wall, and between the two shield walls;
 - fastening screw openings are formed between the two shielding elements [2b] and the shielding elements are parallel to the opening (both are vertical);
 - the switch disclosed is a circuit breaker [column 1, lines 15-16].

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawata et al. [US 6,255,608] in view of Bottelson [US 4,400,672].

Kowata et al. disclose the instant claimed invention except for a reinforcing rib for the shielding element. Bottelson, [Figure 6] discloses a plate element [82] with a reinforcing rib [90]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a reinforcing rib to the shielding

Art Unit: 2832

element of Kawata et al. as suggested by Bottelson, so as to improve structural strength of the shielding element.

14. Claims 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawata et al. [US 6,255,608] in view of Marach [US 4,527,849].

Regarding Claim 24 Kawata et al. disclose the instant claimed invention except for the movable case with thread and a clamping support, a fixed case with through opening. Marach, discloses a terminal clamping arrangement with a movable case [72, column 3, lines 59 -64] with threads, a fixed case [18] surrounding the movable case and having a through opening [Figure 2, an opening for head of the screw 56], a clamping screw [56] disposed on the fixed case and intended for threaded engagement into threads of the movable case through the through opening, so as to urge a head of the clamping screw against clamping support (top of movable case). Marach also discloses an adjustable clamping opening for cable end or lugs between the movable case and fixed case. Cable can be inserted through opening [opening between elements 80 and 64a] and can be clamped between the movable case and the fixed case, the clamping opening being adjustable with the clamping screw. The head of the screw can also be completely unscrewed from the top. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide terminal area with a fixed case and movable case in the switch of Kawata et al. as suggested by Marach, in order to have better cable/lug clamping.

Regarding Claim 32, the switch disclosed by Kawata et al. is a circuit breaker [column 1, lines 15-16].

Art Unit: 2832

15. Claims 25 - 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawata et al. [US 6,255,608] in view of Marach [US 4,527,849] as applied to claim 24 above, and further in view of Barrabes [US 4,611,876].

Kowata et al. in view of Marach disclose the instant claimed invention except a thread free region located next to the clamping screw head. Barrabes [Figure 3] discloses a terminal arrangement with a terminal screw having a thread free zone [h] next to the head and also a separate platelet [14] with a through hole. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide thread-free zone for the terminal screw as well as a separate platelet in the switch device of Kawata et al. in view of Marach, as suggested by Barrabes, in order to provide retention area for the platelet [Barrabes column 5, lines 15-20]. Regarding claim 26, providing a tapered cross section in the thread-free area of the screw is a matter of design choice.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barriuso et al. [US 4,758,186], Baillet et al. [US 4,776,815], Orr [US 4,273,408], and Ege [US 3,775,733] all disclose terminal details. Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

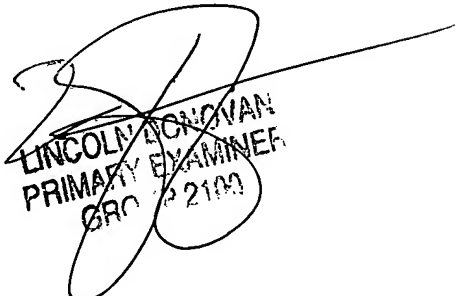
Art Unit: 2832

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman
December 28, 2004


LINCOLN DONOVAN
PRIMARY EXAMINER
DEC 28 2004